

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:06 CR 125-26
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
ALBARO LOZA-ARANDA ,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
)	<u>REFERRAL TO U. S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Vecchiarelli regarding the change of plea hearing and plea agreement of which was referred to the Magistrate Judge with the consent of the parties.

On May 9, 2006, the government filed a thirty-six count superseding indictment against the Defendant Albaro Loza-Aranda and 23 co-defendants. Defendant Loza-Aranda was charged with of Conspiracy to Smuggle Aliens into and within the United States, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I) and punishable under Title 8, United States Code, Section 1324(a)(1)(B)(iii); Conspiracy to Commit Mail Fraud, Wire Fraud, Document Fraud, and Structuring Financial Transactions, in violation of Title 18 United States Code, Section 371; Aiding and Abetting, Bringing Aliens into the United States, in violation of Title 8,

United States Code, Section 1324(a)(2) and Title 18, United States Code, Section 2; and Aiding and Abetting Money Laundering, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) and Section 2. On May 24, 2006, a hearing was held in which Defendant Loza-Aranda, entered a plea of not guilty before Magistrate Judge David S. Perelman. On January 18, 2007, Magistrate Judge Vecchiarelli received Defendant Loza-Aranda's plea of guilty to counts 2 and 3 of the superseding indictment and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered. Magistrate Judge Vecchiarelli filed her R&R on January 18, 2007.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Loza-Aranda is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Loza-Aranda is adjudged guilty of Count Two in violation of Title 18 United States Code, Section 1324(a)(1)(A)(v)(I) and Count Three in violation of Title 18 United States Code, Section 371.

IT IS SO ORDERED.

/S/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE